

JUN 12 2008

Application Serial No. 10/553,736
Reply to Office Action dated March 21, 2008EXPEDITED HANDLING PROCEDURE
PURSUANT TO 37 C.F.R. § 1.116REMARKS/ARGUMENTS

On June 5, 2008, Applicant's representative requested an interview in this application. That request was denied. During the interview, Applicant's representative wished to discuss the underlining issues in this case so as to determine whether or not to file an appeal or perhaps file a Request for Continued Examination. Toward that end, Applicant had intended to present certain amendments for the Examiner's consideration. If such amendments had been considered favorably and did not raise any new issues, presumably the case could have been allowed. If such amendments were considered favorable over the prior art of record but held to raise new issues, presumably Applicant would have considered filing a Request for Continued Examination. If no agreement what-so-ever could be reached, then Applicant would have filed an appeal. Applicant requested the interview in the spirit of expediting prosecution thus avoiding the Examiner having to respond to this request currently filed, any type of request for pre-appeal brief review or an Appeal Brief (thus having to generate an Examiner's Answer). Applicant therefore requests reconsideration of the denial of an interview and that the Examiner contact the undersigned to conduct an interview to expedite prosecution of this application.

As set forth in the final Office Action dated March 21, 2008, claims 1-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Robitaille et al. (U.S. Patent Application Publication No. 2002/0085950) in view of Hennebert et al. (U.S. Patent No. 4,764,351). By the present amendment, claim 2 has been canceled and its limitations have been incorporated into independent claim 1. Additionally, claim 11 has been canceled and its limitations have been incorporated into independent claim 6. Since such an amendment raises no new issues, presumably it will be entered even though this case is after final.

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Generally, with respect to claims 1 and 6, the Examiner appears to be of the opinion that Robitaille et al. discloses all the limitations of these claims except Robitaille et al. is silent with respect to removing condensation during a sterilization cycle between successive exposures to a humidified ozone. More precisely, Robitaille et al. does not disclose removing condensation after a first sterilization cycle and prior to a second sterilization cycle. The Examiner attempts to address this deficiency by noting that Hennebert et al. teaches avoiding problems due to water condensation by automatically purging condensate during sterilization (citing column 2, lines 1-6). However, Hennebert et al. actually discloses that steam flow is controlled by valve 18 which is regulated so that the temperature in chamber 1 reaches a chosen sterilization temperature and evacuation of gases present in the chamber is simultaneously carried out by vacuum pump 6. Essentially, a partial suction of steam and condensed water is continually carried out while the steam is being introduced. See column 3, line 10 through column 4, line 22.

The Hennebert et al. patent discloses that prior manufacturers have automatically purged condensates during a sterilization cycle and, in the summary of invention section, discloses removing condensed water before the sterilization cycle. Nowhere does Robitaille et al. and Hennebert et al., whether taken singly or in combination, show removing from the sterilizing chamber any condensed water between the two cycles. This distinction is more clearly set out now that the limitations of claims 2 and 11 have been incorporated into claims 1 and 6, respectively. Claims 1 and 6, as amended, recite that the removal of any condensed water present in a sterilization chamber is done by flushing the chamber with an inert gas. The Examiner has argued previously that Robitaille et al. teaches, in paragraph 66, that oxygen is used in a ventilation phase intended to dry sterilized materials and remove ozone residuals. The ventilation phase is conducted at the end of the process when the sterilized materials are about to be removed. Such a teaching is directly contrary to Hennebert et al. and indeed would destroy the

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Hennebert et al.'s teaching of having steam flowing into the sterilization chamber while simultaneously removing condensate prior to a sterilization step.

In regards to claims 3 and 12, the Examiner notes that paragraph 66 teaches using oxygen gas in a ventilation phase. Once again, ventilating a sterilization chamber as taught by Robitaille et al. after sterilization is completely opposite to adding steam and removing condensate before sterilization as taught by Hennebert et al.

Claims 4 and 13 recite that the flushing step is repeated at least once. The Examiner does not appear to specifically address this limitation. However, the Hennebert et al. reference teaches applying steam and removing condensate at the same time and in a continuous manner. No separate flushing step is disclosed and, therefore, the rejection should be withdrawn.

In regards to claims 5 and 14, the Examiner argues that the Robitaille et al. reference teaches that temperature differentials are the cause of water condensation. However, there is no disclosure that temperature equalization occurs between cycles. Nor is there any teaching that reducing water condensation between cycles is desirable. In view of this lack of evidence, Applicant respectfully requests that this particular portion of the rejection be withdrawn.

In regards to claims 7-8, these claims should be considered allowable at least by virtue of their dependency on claim 6 for the reasons set forth above.

Based on the above remarks and amendments to the claims, the Applicant respectfully submits that the present invention is patentably defined over the prior art of record such that allowance of all claims and passage of the application to issue are respectfully requested. If the Examiner should have any additional questions or concerns

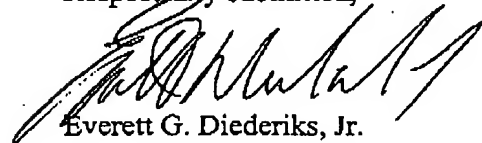
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regarding this matter, he is cordially invited to contact the undersigned at the number
provided below in order to further prosecution.

Respectfully submitted,



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